

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

E-FILED - 3/23/06

MELINA RAZAVI,

Plaintiff,

v.

JOANNE HOLLAND, and ANDY
MORTENSEN,

Defendants.

Case No. C-04-02515 RMW

ORDER DISMISSING CASE

[Re Docket No. 39, 40]


On January 13, 2005 this court dismissed plaintiff Melina Razavi's claims with forty-five days leave to amend. On May 3, 2005 this court issued an Order to Show Cause re Dismissal, requiring Razavi to file a declaration showing good cause for not filing an amended complaint by May 17, 2005. On May 18, 2005 Razavi filed a letter with the court (dated May 15) explaining that she was unsure how to file an amended complaint. She also enclosed her original complaint and a document purporting to be the "first amended complaint" that stated only "[t]his is to amend the original complaint based on disability. Defendants were informed of disability before termination took place and are responsible for damages."

The court is sympathetic to Razavi, but must dismiss her case for several reasons. For one, her amendment merely introduces a new legal theory — with no supporting facts — and does not cure any of the deficiencies noted by the court in its January 13 Order. In addition, Razavi has not

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1 served her first amended complaint upon defendants for more than 120 days after filing it. *See* Fed.
2 R. Civ. P. 4(m). Finally, Razavi did not comply with the court's May 3 Order to Show Cause.
3 Although she drafted a letter to the court, she did not do so before the deadline, did not file the
4 requisite declaration or affidavit, did not serve defendants with a copy, and did not offer an adequate
5 excuse for failing to pursue the matter. The court thus dismisses Razavi's case for

6
7 DATED: March 14, 2006



RONALD M. WHYTE
United States District Judge

1 **Notice of this document has been sent to:**

2 **Counsel for Defendant:**

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11 PRO SE

12 Dated: March 23, 2006

/S/ JG
Chambers of Judge Whyte